DOCUMENT RESUME

ED 247 591 CS 208 530

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TITLE Access to Local Records and Meetings in Iowa.
INSTITUTION Freedom of Information Center, Columbia, Mo.
REPORT NO FOI-495
PUB DATE Jul 84
NOTE 7p.
PUB TYPE Viewpoints (120) -- Information Analyses (070)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Confidential Records; Court Litigation; Disclosure; Freedom of Speech; *Information Sources; Journalism; Local Government; *News Reporting; Privacy; *State Legislation
IDENTIFIERS *Freedom of Information; *Iowa

ABSTRACT

Since opposition to media coverage of local government can be powerful, a reporter covering municipal and county affairs in Iowa should be familiar with access to information laws. Chapter 28A of the Iowa Code provides that "reasonable" public notice precede all governing board meetings and specifies that the time, date, place, and tentative agenda be included. The Chapter provides for closed sessions only under certain circumstances. Chapter 68A of the code provides for access to most records of the government bodies and to court records. While the code does not specifically state which records are open, it does list 17 types of records that are regarded as confidential unless otherwise ordered by a court or other authorized person, including student records, hospital and medical files, trade secrets, and attorneys' records. Law enforcement efforts often end in court, so reporters need to be aware of what court records are available and where to find them. In addition, a reporter should be aware of privacy laws that govern free access. Sometimes a reporter's best recourse for gaining access to the records comes from knowing the laws governing their use. Despite knowledge of all these laws and procedures, the reporter may still have to resort to litigation and, thus, should be aware of the court cases filed by Iowa newspapers and news organizations. The most recent legislation (a "Fair Compromise on Records" bill passed in March 1984) provides two advantages for citizens who bring public records suits: it puts the burden on the public official to comply with the law and provides that, in the event of an unfavorable decision, the losing public official shall pay court costs. (HTH)

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JULY, 1984

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ACCESS TO LOCAL RECORDS AND MEETINGS IN IOWA

By MARILYN MUTTI*

FEEEDOM OF INFORMATION CENTER REPORT NO. 495

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SUMMARY: The various channels of access available to reporters in the states have hardly been looked at comprehensively. In the first such attempt, the author examines statutes, attorney general's interpretations, court cases and other measures at the local level, both official and informal, to gain access to records and meetings in Iowa.

The introduction on the first page of **The Reporter's Handbook** reads:

"One of the reasons why daily journalism is criticized for being so shallow is that the skills common to most investigative reporters—the ability to locate, understand and ultimately use a vast number of records and documents in order to determine the real story—are unknown to journalists not doing investigative reporting."[1]

A strong statement this, but one that should ring at least partially true to rank-and-file reporters in just about any state in the union. For while some of those reporters may have an inkling of the public records and documents that are available to them, others are guilty through lack of knowledge of the "shallow" reporting just mentioned.

One of the most important and never-ending roles of the media is "to cover local government." Opposition to this mission can be powerful, and the media, in their "position as a private industry charged with a public duty," will be open to criticism from all sides in attempting such coverage.[2]

To attempt this kind of coverage, then, the reporter must be familiar with access laws, but to compile and consider access laws in all states would be a gargantuan task. To compile and consider access laws in one state, Iowa, seems feasible, however, and, if approached correctly, could possibly be of some use to Iowa reporters. A general overview of the situation in Iowa seems first in order, followed by a consideration of how the reporter can best use access laws in the situations in which he finds himself almost daily. A look at Iowa's privacy laws seems to be in order in the process, and, finally, a consideration of court cases and attorney general's opinions in Iowa should provide further depth for interpreting the current Iowa situation in regard to access.

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TYPICAL COVERAGE SITUATIONS FOR IOWA REPORTERS

The average reporter in Iowa needs more than just an overview. He needs to know how access laws apply to the specific situations with which he deals every day. Accordingly, a look at the coverage demanded of the reporter and a summary of the available resources that he can bring to bear in providing that coverage should be helpful.

Municipal and county affairs, educational matters and court cases are typical daily fare for most Iowa reporters. How, then, can these reporters most effectively deal with these situations and provide the best possible coverage for their readers?

Coverage of municipal and county affairs in Iowa involves many aspects, but probably the first that come to mind is the inevitable city council, board of supervisors and school board meetings and the access to the records that exist as a result of the transactions carried on in those meetings.

CHAPTER 28A OF THE IOWA CODE

It is then at Chapter 28A of the Iowa Code that the reporter will want to look first. This chapter provides, among other things, that "reasonable"[3] public notice precede all such meetings and specifies that the notice give time, date, place and tentative agenda.[4] It states that reasonable notice includes advising the media who have filed requests and of posting the notice in an easily accessible place.[5] The law provides that notice be given at least 24 hours in advance and that the meeting be held in an accessible place, with any exceptions showing good cause. Sub-

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units can meet without notice if their meetings are announced publicly at the parent meeting and if they meet at a recess of or just after the parent group.[6]

Most reporters can read through Chapter 28A and come away with the knowledge of how to proceed in open-meeting situations. The trouble arises, however, when governmental bodies go into executive session. A chief complaint in any state in regard to public meetings has to do with the misuse of executive sessions to declare meetings closed.[7] It should be noted that Chapter 28A of the Iowa Code states "ambiguity in interpretation or application of the open meetings law should be resolved in favor of openness."[8] The law does not mandate any closed sessions, but provides authority for these only under certain conditions.[9]

Closed sessions can be held only by "affirmative vote of either two thirds of members of the body or all the members present at the meeting."[10] Only the following reasons are cause for closed session: (1) review of confidential records relevant to federal findings; (2) discussion of patent applications; (3) discussion of strategy surrounding litigation if disclosure would prejudice the position of the governmental body; (4) discussion of licensing examinations or disciplinary action of a licensing or examining board; (5) discussion of decisions in a case concerning chapter 17A of the Iowa Code; (6) avoidance of disclosure in regard to law enforcement if such disclosure would facilitate avoidance of detection; (7) avoidance of disclosure of law enforcement matters if this would contribute to disregard of requirements imposed by law; (8) evaluation of professional competency when the evaluation might damage a person's reputation and upon request for a closed session; (9) discussion of the purchase of real estate when disclosure might cause the price to the governmental body to increase. Minutes and tapes of these sessions must be available for public examination, however, when the transaction is complete.[11]

ENFORCEMENT OF 28A

The vote of each member on whether or not to hold the closed session and the reason for holding the session must be announced publicly and entered in the minutes. The governmental body cannot under law discuss anything that does not relate to the specific reason for closing the meeting, and all final action resulting from the meeting must be taken in open session.[12]

Detailed minutes must be kept noting discussion, persons present and action occurring in the closed session and tape recordings of that session are also called for. Minutes and recordings of closed sessions are sealed and are opened only if there is a court order in an action to enforce Chapter 28A.[13]

Enforcement of Chapter 28A rests upon remedies found in Chapter 17A of the Iowa Code that states that "any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or county attorney" can seek enforcement through the district court of the appropriate county.[14] "The burden of going forward" is on the body cited after a complaint has been made. If there is evidence that the body has violated a provision of Chapter 28A, the court can assess from $100 to $500 damages against each member of the body that violated the law. The member can avoid paying damages if he (1) voted against closing; (2) believed facts indicated compliance with Chapter 28A; or (3) relied upon a court decision or attorney general's opinion.[15]

CAMERAS AND RECORDING DEVICES IN THE COURTROOM

Chapter 28A provides for the use of cameras or recording devices at any open meeting and states that nothing in the chapter should be allowed to deter the reasonable conduct of meetings. Electronic meetings are allowable only in situations where to meet in person is impratical and impossible and only if there is public access to the meeting, a meeting is designated, and minutes are kept. Closed sessions for such meetings are subject to the general requirements for such meetings.[16]

CHAPTER 68A OF THE IOWA CODE

Chapter 68A of the Iowa Code takes care of access to the records of the government bodies[17] just discussed and to other similar bodies and court records. A reporter needs these records if he is to provide accurate coverage of everyday activities in a community. This chapter states that all Iowa citizens have a right to examine certain records and to copy them unless some other provision of the Iowa code limits the right. Copying can be in the form of photos or photographic copies and must be done while the records are in the possession of the lawful custodian.[18] The person desiring the copies must pay the expenses, "a reasonable fee,"[19] not to exceed the cost of providing the service.[20] Copying can be done at any time during customary office hours or if the custodian does not keep office hours 30 hours out of each week, any time from 9 a.m.-noon and 1-4 p.m., Monday through Friday, excluding legal holidays. The citizen and custodian can also agree on another time if they wish.[21]

CONFIDENTIAL RECORDS

Identifying just which records are public and which are confidential seems to be a problem for some Iowa reporters. This may cause them to resort again to the "shallow" reporting mentioned earlier. The Iowa Code does not specifically state which records are open, but it does list 17 types of records that are regarded as confidential unless otherwise ordered by a court, the lawful custodian or another authorized person. These include: (1) personal information involving a student; (2) hospital records and medical records; (3) trade secrets; (4) records representing the work of an attorney in regard to litigation or claims made by or against a public body; (5) peace officers' investigative reports, except where the Iowa Code authorizes disclosure elsewhere; (6) reports of governmental bodies that would give advantage to competitors and that are without purpose; (7) appraisals or related information concerning the purchase of real or personal property for public purposes before the project has been announced; (8) Iowa development commission information on an industrial prospect currently being negotiated; (9) criminal identification files of law enforcement agencies. Current and prior arrests are public; (10) personal information in confidential personnel records of public bodies, i.e., cities, boards of supervisors, school districts and others; (11) personal information in confidential personnel records of the state military department; (12) financial statements given to the Iowa state commerce commission by a licensed grain dealer or warehouseman or by an applicant for a grain dealer or warehouse license; (13) library records reveal-

ing the identity of a library patron checking out or requesting a library item; (14) the material of a library, museum or archive contributed by a private person if any limitation is a condition of the contribution; (15) information about the control of disturbances at adult correctional institutions. Disturbances mean riots or conditions that can be expected to cause a riot; (16) information directed to the state or local boards or departments of health that identifies a person infected with a reportable disease; and (17) records of owners of public bonds or obligations as provided for in the Iowa Code or by the issuer of the bonds or obligations. The issuer and a state or federal agency are entitled to access.[22]

ENFORCEMENT OF CHAPTER 68A

Enforcement of Chapter 68A is through mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights can be enforced by an action for judicial review, according to the Iowa Administrative Procedure Act, if the records are an agency's. If found guilty, the violator is guilty of a misdemeanor.[23]

LAW ENFORCEMENT RECORDS

Access to law enforcement records seems to cause problems in some Iowa communities.[24] The portion of Chapter 68A just cited offers some guidelines for reporters as to what records are **not** public. **The Reporter's Handbook** suggests other records that are open. Police arrest reports and records can be checked along with police and sheriff jail books[25] and complaint, uniform accident and monthly reports.[26] Arrest or accident cards should also be checked. Sheriff's office records that offer information to a reporter are the log, preliminary reports, monthly financial reports and summaries, sales records and annual budgets.[27] Also helpful are Iowa State Patrol accident reports. Local troopers are usually helpful, and additional information is often to be had from the Patrol's district offices scattered throughout the state or from the state headquarters in Des Moines.

COURT RECORDS

Law enforcement efforts often end in court, and for that reason, Iowa reporters need to be aware of what court records are available and where to find them. The chronological indexes of civil and criminal cases available in most clerk of courts offices are a good place to start. Except for case files (which should, of course, be checked, too), these indexes give the most complete information available on any given case. They contain the complaint or charge, names of defendants and plaintiffs,date of filing, number and disposition, if one has been reached.[28] Complaints and petitions, informations, indictments, motions and answers, demurrers and depositions are all records that should be explored.[29] Reporters should be aware of the docket that includes in chronological order "all actions of the court, such as decisions on motions, bail reduction, orders for discovery, change of venue, change of attorney and final disposition."[30] Probate and divorce court records and immigration court records also yield information.[31] Grand juror names are also public, together with subpoenas. Final reports relating to a grand jury are sometimes public.[32]

OTHER SOURCES

Other obvious sources of information that are public at the local level are the minutes of the proceedings of city councils, boards of supervisors and schools boards, but the enterprising Iowa reporter will look far beyond these. Information contained in the annual budgets of cities and counties can provide insight.[33] To these could be added the budgets of schools. Budgets "give a basic picture of the money flow," and budget preparation documents often explain the rationale behind a certain department's getting more or less money in a given fiscal period.[34] Bids, contracts, purchase orders and auditors' reports are helpful and student test scores can provide a wealth of story material.[35]

GAINING ACCESS THROUGH INFORMAL METHODS

Sometimes the reporter's best recourse for gaining access to the records just mentioned comes from knowing the laws governing their use. The reporter needs to know the state statutes on open meetings-open records, and it is helpful when a procedure to follow in dealing with close meetings is provided. This can include the following: (1) telling the presiding officer that admission is desired. The reporter can cite and protest the provisions of the statutes if he wants to do so; (2) getting names of those in attendance and asking if the decision to close was made in public; (3) asking if the decision to close was made by vote or by the person presiding over the meeting; (4) asking why the meeting was closed; (5) making clear a story will be written on the closing; (6) cultivating a calm attitude; (7) calling an attorney.[36]

PRIVACY LAWS

A reporter should, in addition to being aware of the laws that govern free access, be aware of privacy laws that might affect news gathering. In addition to the 17 areas that are specifically named in chapter 68A of the Iowa Code, there are other sections that relate to privacy. Persons cannot, according to the Iowa Code, Annotated Section 527.10, obtain information from a bank's computer terminal or data processing center unless the information is essential to complete or prevent a transaction involving those facilities. The Iowa Code, Annotated Section 749.1, also prohibits the placement of intelligence data in criminal justice information systems.[38] Medical records, according to Section 622.10, are confidential, preserving the doctor-patient privilege, unless the patient files suit.[39] Section 714.37 says it is unlawful to disturb Iowa residents through repeated anonymous phone calls,[40] and wiretapping is punishable by five years in jail or $500, according to sections 716.7 and 716.8[41]

LITIGATION

With a knowledge of all these laws and procedures, however, the reporter may still have to resort to litigation. News organizations should be prepared to file motions forcing compliance if they have a chance of winning and making good case law.[42]

Several newspapers and news organizations in Iowa have resorted to various types of litigation in regard to free access to meetings and records and the well informed Iowa reporter will want to be aware of some of these.

A much cited case is one in which the Iowa Supreme Court sustained a request for mandamus that sought to have Judge Robert Osmundson enjoined from restraining disclosure of jurors' names, addresses and telephone numbers in the murder trail of Kandee Jacoby in Linn County District Court. Osmundson also prohibited photographs and drawings of jurors. The Des Moines Register and Tribune Company and Michael Pauly were plaintiffs in the case, and the Cedar Rapids Gazette Co., the Cedar Rapids Television Co. and the Des Moines Professional Chapter, Sigma Delta Chi, were the intervenors. In a subsequent opinion, the Supreme Court ruled that Osmundson's order was "an unwarranted prior restraint on freedom of the press...and that a jury list was public record to which media were entitled access under (the) freedom of informaton statute."[43]

Significant for the news media in regard to this case is the opinion that a jury list is public record. In **Osmundson** and in **Howard v. Des Moines Register and Tribune Company**, the Iowa Supreme Court held that writings other than those which government officers are required to keep are public records and that the state requires only that those documents be in the custody of the public official regardless of who created or owned them.[44] Chapter 68A of the Iowa Code is cited in regard to the definition of public records in the Osmundson case, and the opinion notes specifically that jury lists "are not among the express exceptions" listed.

In a 1977 case, H. Michael Neary was found guilty of a misdemeanor in connection with Chapter 68A and fined $100 in Palo Alto County District Court. The plaintiff in the case was the state of Iowa, and the case involved two unsuccessful attempts by Charles H. Offenburger, a reporter for the Des Moines Register and Tribune Company, to examine a file containing facts in a homocide case. Neary, the county attorney of Palo Alto County, had "checked out" the file, and it was in his possession.

The court made mention of the fact that the material in the file folder, if made known, could have hampered investigation of the homocide, but ruled that Neary's action was, nevertheless, not justified. It noted that his options were to release the file or follow 68A.8, a due process step wherein an impartial district court would decide whether or not a writ of injunction was justified in restraining examination of the file. The Osmundson case was cited as precedent.[45]

In **City of Dubuque v. Telegraph Herald, Inc.**, the Iowa Supreme Court in October 1980 affirmed on appeal and affirmed in part and reversed in part on cross appeal in a case involving the city of Dubuque and the Telegraph Herald, Inc. The appeal and cross appeal were made in regard to an order by the Dubuque county District Court concerning applications for the position of Dubuque city manager. The court held that applications are not confidential personnel records as outlined in Chapter 68A and therefore are not subject to public records disclosure requirements. It said that the trial court improperly exercised its power to exclude five of the applications.[46]

In a related case, the Telegraph Herald, Inc., brought action against the city of Dubuque and city council members alleging violation of Chapter 28A of the Iowa Code. The Iowa Supreme Court affirmed on appeal and affirmed in part on cross appeal and remanded with directions. The case involved the use of closed interviews of the city manager applicants.[47]

In another case, the Iowa Attorney General issued a 1982 opinion that said the Madrid **Register-News** should be denied access to routine information concerning ambulance calls, saying the records were "medical" and therefore secret as outlined in Chapter 68A of the Iowa Code. The Des Moines **Register** called the opinion "a narrow and incomplete reading of the law" and argued that a free and open examination of records is generally in the public interest (Des Moines **Register**, 9-5-82).

In a 1983 case, the refusal of Assistant Polk County Attorney James Smith to reveal the name of a woman in a situation where another woman died during a quarrel was at issue. The Iowa Attorney General said the clear intent of chapter 68A is that basic crime information be disclosed except in unusual circumstances. He said the public has a right to know for its own protection and for monitoring the performance of the police (Des Moines **Register**, 6-3-83).

Still other recent cases were significant in fostering a climate of openness in Iowa.

In November 1982, the Iowa Supreme Court set aside a lower court order to send Des Moines **Register** reporter Nick Lamberto to jail for refusing to reveal the name of a news source, thus strengthening the First Amendment privilege of a reporter in regard to revelation of sources.[48]

In May 1983, the **Register** was successful in suing to recover legal fees of $4,700 in a case involving reporter Tom Knudson's quest for Federal Bureau of Investigation files having to do with FBI surveillance of Iowa student groups in 1964. The FBI delayed for months the release of the documents to Knudson, thus Register attorney Barbara Mack sued, asking the FBI to list all documents related to the information that Knud-

Two books that should be invaluable in providing general background information on access to reporters in any state are **The Reporter's Handbook**, edited by John Ullmann and Steve Honeyman, and **The People's Right to Know: Legal Access to Public Records and Proceedings** by Harold L. Cross. Also helpful to Iowa reporters should be Bill Kunerth's **Directory of State Agencies for Iowa Journalists**. Kunerth is a faculty member in the Department of Journalism and Mass Communications, Iowa State University, Ames, Iowa 50011. His publication is currently being updated.

Iowa has two laws that are specifically related to freedom of information. Chapter 28A of the Iowa code is the open meetings law, and Chapter 68A governs inspection of public records. A strong Freedom of Information Council helps to interpret these laws and to promote open access for news persons and others. The Council has offices in the School of Journalism and Mass Communications, 118 Meredith Hall, Drake University, Des Moines, Iowa 50311. The phone number there is 515-271-2295. Dr. Herb Strentz is executive secretary. The Council publishes a quarterly newsletter, answers inquiries, promotes legislation and, when appropriate, pursues free access to records through the courts. It compiles and prints handbooks and wallet-sized cards containing the texts and interpretations of chapters 28A and 68A. Also available in handbook and card form are rules covering expanded media coverage in Iowa's courtrooms, the use of cameras in the courtroom and those relating specifically to examination of law enforcement records. These handbooks and cards are available through the Council and the Iowa Newspaper Association and provide an easily readable overview of various access situations.

son wanted and to tell why they couldn't be released. The United States District Court, District of Columbia forced the FBI to turn over more than 1,000 pages under the provisions of the Freedom of Information Act.[49]

In a January 1983 case (Iowa Freedom of Information Council and Des Moines **Register** and **Tribune** Company v. Van Wifvat), the Iowa Supreme Court ruled that members of the press and public can attend criminal proceedings, specifically pretrial proceedings. The Court said a high standard would have to be met to merit closing them to the public.[50] A summary of these cases is found in the August 1, 1983, issue of the **Iowa Freedom of Information Newsletter.**[51]

RECENT LEGISLATION

In March 1984, a "Fair Compromise on Records" bill passed the Iowa legislature as an outgrowth of action taken by Gov. Terry Branstad's Committee on the Iowa Public Records Law. The new law provides two advantages for citizens who bring public records suits. It (1) puts the burden on the public official to comply with the law, and (2) provides that the public official who loses a records suit will be personally assessed court costs and the plaintiff's legal fees (Des Moines **Register**, 3-13-84).

EDITORS' AND PUBLISHERS' OUTLOOKS

All in all, the trend seems to be toward openness in regard to access to public meetings and records in Iowa. Brian Cooper, editor of the Ottumwa **Courier**, says that while he is "not real comfortable" with the police log situation in Ottumwa and has had some trouble with coverage of the sheriff's office, he and his reporters have "extremely good" relationships with the local school board. George Saucer, city editor of the Waterloo **Courier**, says also that he and his reporters experience little difficulty in regard to access.

"It's a combination of our calling every day, and their knowing what we want," Saucer says in explaining the openness.

Bruce Kuechmann, until July 1984 the publisher of the Bedford **Times-Press**, is less enthusiastic than Cooper and Saucer, but says **Times-Press** reporters "usually manage to get what they want one way or the other."

A continuingly active press association, a strong freedom of information coalition and informed reporters should provide enhancement statewide for the conditions that Cooper, Saucer and Kuechmann say already exist in Iowa.

FOOTNOTES

1. John Ullmann in the Introduction to **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 1.
2. D.J. Brenner, **Covering Local Goverment** (Freedom of Information Center Publication, No. 106. Columbia, Mo.: School of Journalism, University of Missouri-Columbia, August 1963), p. 1.
3. "Reasonable notice" does not, according to an Iowa Attorney General's opinion, consist of advising interested persons to listen to a certain radio station at a given time for information regarding a given meeting. Failure to provide reasonable notice does not mean that a meeting is illegally closed. (See Iowa Open Meetings Laws Handbook, 2nd ed., p. 23).
4. "Tentative agenda" must include more information about the content of an upcoming meeting than simply reciting such items as "approval of minutes; old business; new business." (**Iowa Open Meetings Law Handbook**, 2nd ed., p. 23).
5. **Iowa Open Meeting Law Handbook**, 2nd ed. (Des Moines, Iowa: Iowa Freedom of Information Council, 1982), p. 7. In Bedford, Iowa, public notice of municipal meetings consists of notification in writing and by phone to the Bedford **Times Press**, the latter method being reserved usually for special meetings. Taylor County Board of Supervisors meetings are set for Mondays and Thursdays, and no notice is forthcoming. Notification for Bedford Community School Board meetings is usually in writing, however, notice of special meetings is sometimes telephoned.
6. Ibid., p. 8.
7. Harold L. Cross, **The People's Right to Know** (Morningside Heights, N.Y., Columbia University Press, 1953) p. 184.
8. **Iowa Open Meetings Law Handbook**, p. 3.
9. Ibid.
10. Ibid., p. 9.
11. Ibid., pp. 9-10.
12. Ibid., p. 10.
13. Ibid., p. 12.
14. Ibid., p. 11.
15. Ibid., p. 12.
16. Ibid., p. 14.
17. In a spring 1984 bill that passed the Iowa legislature, "government body" is defined in appropriate and broad terms. In a July 5, 1984 memo from Herb Strentz, Iowa FOI Director, to Joe Thornton and Michael Giudicessi, Strentz points out that the definition uses "committee" and "committee" is modified by "any." Strentz says 68A therefore covers advisory committees appointed by public agencies and could provide that 28A doesn't.
18. "Lawful custodian" of public records is defined in the new 68A. In his letter to Thornton and Giudicessi, its definition must, Strentz says "be read with a mandate for openness in mind; with procedures for the right to examine records; and with attention to the law on hours of access."
19. In neighboring Missouri, "reasonable" fee became "not-so-reasonable" when Paula Schumacher, editor of the Platte County **News**, attempted to get copies of city council-related documents. Schumacher was charged 25 cents a copy for the information, the total charge amounting to $60.
20. **The Iowa Open Meetings Law Handbook**, pp. 15-16. William P. Angrick II acts as Citizens' Aid/Ombudsman for the state of Iowa. In 1980, he recommended that H. Ernest Lund, Washington County assessor, allow reasonable public access to information on private property record cards in accordance with Chapter 68A of the Iowa Code.
21. Ibid., p. 16.
22. Ibid., pp. 17-18.
23. Ibid., pp. 16-17.
24. Access to sheriff's records in Taylor County, Iowa has since 1981 been a point of contention between the Bedford **Times-Press** and the sheriff. Former T-P publisher Brice Kuechmann maintained a file containing correspondence with local and state officials concerning the matter. Of particular interest are some of the views of former Taylor County Attorney Richard R. Jones. In a letter dated Nov. 24, 1981, and directed to Kuechmann and "all county officers," Jones says in part:

   When the law is plainly written as often as it is I do not have time to engage in "debate" on what the law should be with the press or the public. Again I repeat I do not write the laws. I do not have the time to debate laws on an "issue" by "issue" basis if the law is plain . . . .

   Speaking for myself, and I am certain some county officials, I grow daily more weary of the "press" viewing with suspicion what the county officials tell them. Being almost daily any more confronted with an attitude that the county officials are doing something "dark and suspicious." That "something" must be illegal." I assure you this is not the case at all to my knowledge. . . .

   Jones goes ahead to say that he favors openness — sometimes. Reporters requesting an opinion from Jones regarding access could expect to get a long letter discussing the situation at hand. Any communique from Jones was also likely to contain copies of completion certificates for speed-reading and computer courses Jones had taken, together with portions of his medical records and a detailed account of how badly his feet hurt until corrective surgery was performed. The various certificates, etc., are labeled exhibits A, B, C, etc., and, according to Jones, were offered as proof of the fact that he was too busy with private practice and county matters to comment on access problems. Jones resigned in 1983. He stated specifically what he hoped would be said in the T-P story about his resignation. The T-P reporter wrote the story as Jones requested it be written.
25. Jail books are kept at the jail and include names of persons arrested and the arresting agency; date of commitment to jail; suspected offense; address of the prisoner; terms (where a person is being held for another law enforcement agency); amount of bond; discharge date; reason for discharge; number of days spent in jail, etc. It is organized by date rather than by prisoners' name. Jail books are open and often contain information closed off in other court or police records. (**The Reporter's Handbook**, p. 376).
26. Harry Jones and Bill Farr, "Law Enforcement," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 350.
27. Ibid., p. 351.
28. Dick Krantz, "Courts," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 376.
29. Ibid., pp. 372-373.
30. Ibid., p. 373.
31. Jack Tobin, "Backgrounding Individuals," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), pp. 127-8.
32. Jones and Farr, p. 378.
33. Jerry Uhrhammer and Randy McConnell, "Following the Paper Trail," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 17.
34. Ibid.
35. Leonard Sellers, "Teachers and Teaching," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 457.
36. Ernest Morgan, **Informal Methods of COmbatting Secrecy in Local Government** (Freedom of Information Foundation Publication, No. 6. Columbia, Mo.: School of Journalism, University of Missouri-Columbia, May 1976), pp. 12-14.
37. Robert Ellis Smith, **Compilation of State and Federal Privacy Laws, 1978-79** (Washington, D.C.: Privacy Journal, 1979), p. 4.
38. Robert Ellis Smith, **Compilation of State and Federal Privacy Laws, 1981** (Washington, D.C.: Privacy Journal, 1981), p. 7.
39. Ibid., p. 10.
40. Ibid., p. 12.
41. Ibid., p. 20. Former Gov. Robert Ray created a Citizens Privacy Task Force that functioned from 1978 to 1980. The task force recommended a Fair Information Practices Act and certain revisions in 68A. It noted the need for continually addressing problems arising from dealing with the concerns of privacy and with access to public records.
42. John Ullmann, "Finding a Government Document: An Overall Strategy," in **The Reporter's Handbook**, ed. John Ullmann and Steve Honeyman (New York: St. Martin's Press, 1983), p. 78.
43. **Des Moines Register and Tribune Co. v. Osmundson**, 248 NW 2nd, 493 (Iowa 76).
44. **Howard v. Des Moines Register and Tribune Company**, 283 NW 2nd, 289, 299.
45. **State of Iowa v. H. Michael Neary**, 20118. (Palo Alto County, Iowa, District Court).
46. **City of Dubuque v. Telegraph Herald, Inc.**, 277 NW 2nd 323 (Iowa 1980).
47. **Telegraph Herald, Inc., v. City of Dubuque**, 4397 NW 2nd 529 (Iowa 1980).
48. **Lamberto v. Brown**, 326 NW 2nd, 305.
49. **Des Moines Register v. Justice Department**, 9 Med. L. Reptr. 1783.
50. **Iowa Freedom of Information Council v. Wilvat**, 328 NW 2nd, 920.
51. "In court: FoI lawyers win state, federal suits," **Iowa Freedom of Information Newsletter**, August 1, 1983, p. 2.